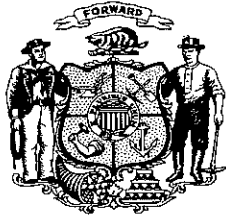


STATE OF WISCONSIN

SENATE CHAIR
MARK MILLER

317 East, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-9170



ASSEMBLY CHAIR
MARK POCAN

309 East, State Capitol
P.O. Box 8952
Madison, WI 53708-8952
Phone: (608) 266-8570

JOINT COMMITTEE ON FINANCE

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Mark Miller
Representative Mark Pocan

Date: December 16, 2010

Re: s. 16.515/16.505(2), Stats. Request

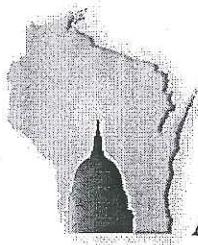
Attached is a copy of a request from the Department of Administration, received December 16, 2010, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Marathon County District Attorney office.

Please review the material and notify **Senator Miller** or **Representative Pocan** no later than **Thursday, January 6, 2011**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

MM:MP:jm



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

DANIEL J. SCHOOFF
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: December 16, 2010

To: The Honorable Mark Miller, Co-Chair
Joint Committee on Finance

The Honorable Mark Pocan, Co-Chair
Joint Committee on Finance

From: Daniel J. Schooff, Secretary
Department of Administration

Subject: s. 16.515/16.505(2) Request(s)

RECEIVED
DEC 16 2010

BY: *St. Finance*

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

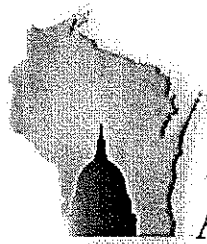
AGENCY	DESCRIPTION	2009-10		2010-11	
		AMOUNT	FTE	AMOUNT	FTE
DAS 20.475(1) (h)	Gifts and grants	0	0.00	0	1.00*

*Extend project position with authority through December 31, 2011.

As provided in s. 16.515, the request(s) will be approved on January 10, 2011, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Linda Nelson at 266-3330, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**


JIM DOYLE
GOVERNOR

DANIEL J. SCHOOFF
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: December 9, 2010

To: Daniel J. Schooff, Secretary
Department of Administration

From: Leah Wavrunek 
Executive Policy & Budget Analyst

Subject: Request under s. 16.505 from the Marathon County District Attorney to extend a 1.0 FTE program revenue project prosecutor position

REQUEST:

The Department of Administration (DOA), on behalf of the Marathon County District Attorney office, requests the extension of a program revenue assistant district attorney (ADA) project position. Position authority is requested through December 31, 2011.

REVENUE SOURCES FOR APPROPRIATION(S):

The revenue source for the position under s. 20.475(1)(h) *Gifts and grants* is an allocation from Marathon County to the Marathon County District Attorney office to cover the costs of the position. As the grant is funded from a program revenue continuing appropriation, there is no accompanying request for an increase in expenditure authority.

BACKGROUND:

Marathon County began a court diversion program in January 2007 that included two tracks: deferred prosecution agreements and deferred entry of judgment agreements. Due to a lack of resources, the third track, pre-charging conferences, was not utilized in the beginning of the program. After approval of the 0.75 FTE ADA position in January 2008, the program began the hiring process and training of staff and community volunteers.

Under the pre-charging conferences, nonviolent offenders at the misdemeanor and felony level are eligible. Repeat offenders are also eligible, on the condition that their prior offense did not involve a firearm or violence. The majority of referrals occur prior to a criminal complaint being filed, with typical charges including auto theft, theft, damage to property, forgery, burglary, credit card fraud and issuance of worthless checks. In exchange for an offender's participation and cooperation, the ADA will offer a reduction of charges and/or possible dismissal of the charges against the offender. All referrals will occur prior to disposition of the case.

Position authority was increased from 0.75 FTE to 1.00 FTE and extended through December 31, 2009 under action by the Joint Committee on Finance in February 2009, and again through December 31, 2010 with funding provided by Marathon County. The county included funding for the position in their calendar year 2011 budget and authority is requested to extend the position for an additional year.

ANALYSIS:

Pre-charging conferences give the district attorney office flexibility in diverting eligible offenders out of the traditional criminal justice system. Modeled after Milwaukee's community conferencing program, the goal is to reduce recidivism in Marathon County and reduce the correctional and court resources used. The program allows the offender, their attorney, the victim and the assistant district attorney to work out a possible resolution to the case prior to any criminal charges being filed, including an opportunity for the victim to provide input and submit financial losses. If an agreement is reached, the ADA files charges consistent with the agreement and the issued charge reflects the offender's cooperation, willingness to accept responsibility for their actions and the victim's losses. With an agreement in place, the offender appears in court only once, saving valuable court resources.

The staff required to support the pre-charging conference program include the requested ADA, the Diversion Coordinator, victim/witness program staff and community volunteers. Each conference involves approximately six to twelve participants, and may include the victim, the victim's support person, the offender, offender's attorney, two facilitators and community members. The DA office set several goals related to the program, including a 75 percent conference completion rate for all eligible and referred offenders and a 25 percent or less recidivism rate over five years. To date in calendar year 2010, thirty-nine defendant conferences were held with two defendants subsequently revoked, for a completion rate of 95 percent. The most common offenses committed by participants include theft and burglary. Aiding in the support of the program are approximately twelve community members, with most conferences attended by two community members. As the program is still new, it is not yet possible to calculate the recidivism rate of participants.

The requested position will continue to be funded by an allocation from Marathon County and will offer an alternative to the traditional criminal justice system for eligible offenders. Community conferencing program agreements are only reached when mutually acceptable to the victim, offender and community members. This alternative can save scarce resources while holding offenders accountable for their actions, with a long-term goal of reducing recidivism.

RECOMMENDATION:

Approve the request.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

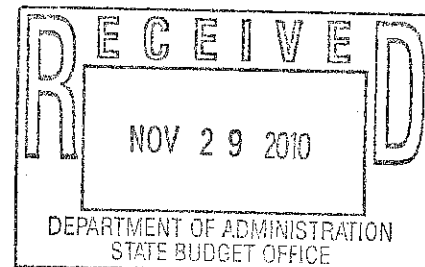
DANIEL J. SCHOOFF
SECRETARY

Division of Administrative Services
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869
Voice (608) 267-2700
Fax (608) 264-9500

DATE: November 29, 2010

TO: David Schmiedicke, Administrator
Division of Executive Budget and Finance

FROM: Philip W. Werner, ^{Plw}Director
State Prosecutors Office



SUBJECT: **REQUEST UNDER S. 16.505 FOR DEPARTMENT 475: MARATHON
DISTRICT ATTORNEY'S OFFICE**

On behalf of the Marathon County District Attorney's Office, I am submitting the attached request to extend position authorization of a 1.0 FTE program revenue project position in Department 475, District Attorneys.

Thank you for your attention to this matter.

Attachment

**S.16.505 Request for Extension of Position Authority in the Marathon District
Attorney's Office
1.0 FTE ADA Community Conferencing Position
November 29, 2010**

**DEPARTMENT OF ADMINISTRATION REQUEST UNDER S.16.505 FOR
POSITION AUTHORIZATION**

I. REQUEST

The Department of Administration (DOA) requests, under s.16.505, extension of project position authorization for a Program Revenue (PR) assistant district attorney Community Conferencing Program (BC75) position in appropriation s.20.475(1)(h). This position is located in the Marathon County District Attorney's Office. In January, 2008, the position had been approved by the Joint Committee on Finance as a 75% FTE; however, additional funding had been secured to extend the position through December 31, 2009, at a full-time rate. Marathon County had budgeted 75% of the position costs and sought a grant for the remaining 25% of the costs; however, though the grant request was not successful, Marathon County funded the entire full-time position. Marathon County budgeted for 100% of the position's costs for calendar year 2010, and the request to extend position authorization through December 31, 2010, was approved by the Joint Committee on Finance. The Marathon County Board has authorized full funding for the position for calendar year 2011. DOA is now requesting an extension of position authority through December 31, 2011.

II. BACKGROUND

In November, 2007, the Marathon County Board authorized \$50,000 in its 2008 budget to pay for a 0.75 FTE assistant district attorney to carry out Community Conferencing (similar to Restorative Justice) techniques in the prosecution of crimes and the prevention of new crimes. In general, the Community Conferencing Program seeks to engage victims and affected community members as active and meaningful participants in the justice process, while holding offenders fully accountable for their actions. The program also is intended to reduce recidivism. On January 23, 2008, the Joint Committee on Finance granted position authority for the 0.75 FTE position through December 31, 2008. The ADA has worked with victims, offenders, and community members to assess the harm done by a criminal act; then, has determined what needs to be done to repair the harm. The Community Conferencing Program is intended for non-violent adult offenders at a misdemeanor and felony level who have taken responsibility for the crimes they have committed.

Though Marathon County unsuccessfully applied for a grant to pay for an additional 25% of the ADA's salary and benefits in order to increase the position to full-time, the county funded the entire cost of the ADA. With additional funding guaranteed by Marathon County, the Joint Committee on Finance approved DOA's request for an extension of the position authority for the PR ADA through December 31, 2009, and for an increase in the FTE from 0.75 to 1.0.

**S.16.505 Request for Extension of Position Authority in the Marathon District
Attorney's Office
1.0 FTE ADA Community Conferencing Position
November 29, 2010**

For 2010, Marathon County again budgeted 100% of the position costs for the 1.0 FTE Community Conferencing Program ADA. The Joint Committee on Finance granted an extension of position authority through December 31, 2010. Marathon County has authorized full funding for the ADA position in calendar year 2011; so, DOA is requesting an extension of the position authority for the PR ADA through December 31, 2011.

III. ANALYSIS

This position is in furtherance of the State's policy to prevent crime and to ameliorate the impact of crime upon the populace.

IV. FISCAL ANALYSIS

The Marathon County Board budgeted \$50,000 to initially fund the 0.75 FTE position for approximately 12 months in 2008. In 2009 and 2010, Marathon County funded 100% of the position costs for the full-time ADA position. Marathon County has budgeted 100% of the position costs for the 1.0 FTE ADA in 2011. The program revenue appropriation is continuing and will be re-estimated based on actual experience.

V. REVENUE SOURCE FOR APPROPRIATION

The Marathon County Board has budgeted 100% of the 2011 position costs to fund the salary and fringe of a 1.0 FTE ADA position to prosecute crimes and prevent new crimes using the Community Conferencing techniques, and to provide staff training in the Community Conferencing/Restorative Justice philosophy.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to the Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in an s.16.505 request for additional positions in the DA program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

Table 1 indicates the LAB methodology's results and highlights the impact of the continuing position requested on the DA office. The table uses the most current court data available (2005-2007) and the positions authorized as of August 13, 2008. It is important to note that the position need shown in the LAB methodology is a general need responding to all duties of a DA office and is not specific to a particular type of criminal activity or caseload such as that covered by the Community Conferencing Program.

- 2) *An assessment of similar caseload problems in counties not addressed by the request.*

Many counties in Wisconsin have established Community Conferencing/Restorative Justice programs. However, the funds for this specific request have been authorized by the Marathon County Board for this purpose.

- 3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

The Marathon County Board has made the determination to focus the funding on the Community Conferencing process in the Marathon DA Office.

- 4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

The decision to give this need a higher priority than other competing needs rests with the Marathon County Board.

**S.16.505 Request for Extension of Position Authority in the Marathon District
Attorney's Office
1.0 FTE ADA Community Conferencing Position
November 29, 2010**

Table 1: DA Office Caseload Analysis, August 13, 2008

DA Office	8/13/08 FTE*	FTE needed before positions approved	FTE needed after positions approved		DA Office	8/13/08 FTE*	FTE needed before positions approved	FTE needed after positions approved
Adams	1.20	0.92	0.92		Marathon	11.00	1.91	1.91
Ashland	1.75	0.47	0.47		Marinette	2.50	0.41	0.41
Barron	3.00	1.67	1.67		Marquette	1.00	0.79	0.79
Bayfield	1.00	0.52	0.52		Milwaukee	127.50	-4.91	-4.91
Brown	12.20	7.00	7.00		Monroe	3.00	3.23	3.23
Buffalo	1.00	0.02	0.02		Oconto	1.50	0.93	0.93
Burnett	1.25	1.07	1.07		Oneida	2.50	0.66	0.66
Calumet	2.00	0.37	0.37		Outagamie	10.50	4.66	4.66
Chippewa	5.00	1.10	1.10		Ozaukee	3.00	1.34	1.34
Clark	2.00	0.49	0.49		Pepin	0.80	-0.21	-0.21
Columbia	4.50	2.16	2.16		Pierce	2.50	-0.27	-0.27
Crawford	1.00	-0.25	-0.25		Polk	2.25	1.53	1.53
Dane	28.60	11.03	11.03		Portage	4.00	1.38	1.38
Dodge	4.00	2.06	2.06		Price	1.00	0.18	0.18
Door	2.00	0.30	0.30		Racine	18.00	8.40	8.40
Douglas	3.50	1.17	1.17		Richland	1.80	0.08	0.08
Dunn	3.00	1.47	1.47		Rock	14.00	5.76	5.76
Eau Claire	8.00	4.79	4.79		Rusk	1.50	-0.11	-0.11
Florence	0.50	0.03	0.03		Saint Croix	6.95	0.60	0.60
Fond du Lac	6.00	2.88	2.88		Sauk	4.50	2.37	2.37
Forest	1.00	0.53	0.53		Sawyer	2.00	1.09	1.09
Grant	2.00	1.50	1.50		Shaw/Men	3.00	1.87	1.87
Green	2.00	0.77	0.77		Sheboygan	7.50	4.92	4.92
Green Lake	1.50	0.72	0.72		Taylor	1.00	0.19	0.19
Iowa	1.75	0.52	0.52		Trempealeau	2.00	0.41	0.41
Iron	1.00	-0.21	-0.21		Vernon	2.00	-0.76	-0.76
Jackson	2.00	0.47	0.47		Vilas	2.00	0.38	0.38
Jefferson	5.30	2.60	2.60		Walworth	5.00	2.62	2.62
Juneau	2.50	1.09	1.09		Washburn	1.25	0.49	0.49
Kenosha	15.00	4.18	4.18		Washington	5.00	2.79	2.79
Kewaunee	1.50	-0.26	-0.26		Waukesha	15.50	5.51	5.51
La Crosse	8.00	3.70	3.70		Waupaca	3.50	1.03	1.03
Lafayette	1.00	0.03	0.03		Wausara	1.50	0.45	0.45
Langlade	1.50	1.56	1.56		Winnebago	10.00	5.24	5.24
Lincoln	2.00	1.44	1.44		Wood	4.00	4.59	4.59
Manitowoc	5.00	1.80	1.80					

**S.16.505 Request for Extension of Position Authority in the Marathon District
Attorney's Office
1.0 FTE ADA Community Conferencing Position
November 29, 2010**

*Modifications:								
1) In Chippewa, the 0.25 VAWA position is excluded as its funding has ended.								
2) The 0.5 GPR FTE in Washburn (0.25 FTE) that also serves Burnett (0.25 FTE) is divided by the FTE shown in parentheses.								
3) In Milwaukee, the total FTE used is 127.50 rather than 128.50 because the 1.0 DNA position serves the entire state, so showing it as a Milwaukee position distorts the data.								
4) The 1.0 PR ADA FTE for anti-drug cases in St.Croix had been pro-rated 0.5 FTE in St. Croix, 0.25 FTE in Pierce, and 0.25 FTE in Polk. Beginning in 2006, the FTE is divided among St. Croix (0.75 FTE) and Polk (0.25 FTE) by the FTE shown in the parentheses.								
5) In Brown the total FTE used is 12.20 rather than 14.00 due to the following factors:								
a) the 1.0 ADA FTE sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.								
b) 0.8 FTE of the 1.0 JAIBG position is excluded as its funding is limited.								
6) In Dane the total FTE used is 28.60 rather than 31.10 due to the following factors:								
a) two 1.0 VAWA positions are excluded because their funding has ended.								
b) the 0.5 Disproportionate Minority Confinement position has ended.								
7) In Outagamie the total FTE used is 10.5 rather than 11.0 because the old neighborhood DA grant ended.								
8) The weighted time estimate for CHIPS cases was changed from 2.61 hours to 6.0 hours effective in the 2004-06 study, based on a 7/04 WDAA Executive Board recommendation.								
9) CHIPS extensions include permanency plan review petitions filed under s. 48.365 beginning with data for 2006.								
10) Immunization cases filed by DA Offices under s. 48.13(13) are included with CHIPS cases beginning with data for 2006.								
11) In Kenosha the total FTE used is 15.0 rather than 16.0 because the old anti-gun grant ended.								
12) In the 2005-07 report Milwaukee's 2006 CHIPS Extensions and Writs of Habeas Corpus data were amended to incorporate updated information.								

Werner, Phil W - DOA

From: Heimerman, Ken [Ken.Heimerman@da.wi.gov]
Sent: Wednesday, November 24, 2010 3:17 PM
To: Werner, Phil W - DOA
Subject: Marathon County's Restorative Justice/Assistant DA position

Hi Phil:

I am sending you this email to confirm that the Marathon County Board of Supervisors has approved the Restorative Justice/Assistant DA position presently held by Tamera Hansen for the year 2011. The position will again be fully funded by Marathon County. Please let me know if you have any questions.

Ken Heimerman
District Attorney
Marathon County

11/24/2010

